

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

FEBRUARY 22, 2011

11-060 The meeting was called to order at 8:05 p.m. by Council Chairman Kenneth R. Baron.

Roll Call showed the following:

Present: Councilwoman Elizabeth J. Agius, Councilman Ned Apigian, Councilwoman Janet S. Badalow, Council Chairman Kenneth R. Baron, Councilman Tom Berry, Councilwoman Margaret M. Horvath, Councilwoman Margaret M. Van Houten.

Absent: None.

Also Present: City Clerk Dudzinski, Mayor Paletko, Treasurer Riley, Assessor McDermott, Building & Engineering Inspector Watley, Building Maintenance Superintendent Zimmer, Community & Economic Development Director Amen, Comptroller Barrow, Deputy Comptroller Macari, Corporation Counsel Miotke, Deputy Clerk Pawlukiewicz, Emergency Management Director Ankrapp, Human Resource Director Sobota-Perry, Library Director Mccaffery, Police Chief Gavin (arrived at 8:08 pm), Public Service Administrator Franzil, Recreation Director Grybel, TIFA Administrator Oliverio.

The Pledge of Allegiance was led by retiring City Comptroller Donald Barrow.

11-061 Motion by Councilwoman Badalow, seconded by Councilman Berry, that the Agenda for the Regular Meeting of February 22, 2011, be approved with the addition of Agenda Item 11-C Brownfield Plan.

Motion unanimously adopted.

11-062 Motion by Councilman Apigian, seconded by Councilwoman Van Houten, that the Minutes from the Regular Meeting of February 8, 2011, be approved as submitted.

Motion unanimously adopted.

11-063 Motion by Councilwoman Van Houten, seconded by Councilwoman Agius, that Current Claims 6-1 through 6-22, be approved as submitted.

1. ACCUMED BILLING, INC. – Ambulance Billing January 2011 – Inv. dated 02/01/11 from A/C 101-000-626-000 (Ambulance Runs) \$4,114.28. Fire Dept.
2. BS & A SOFTWARE SERVICE & SUPPORT – Assessing Department System – Inv. 072405 dated 02/01/11 from A/C 101-209-818.000 (Contr. Service) \$3,480.00. Assessor
3. CENTRAL WAYNE COUNTY SANITATION AUTH. – Waste, Admin for Jan. 2011 – Inv. 01/11 from A/C 101-200-810.000 (Sanitation) \$40,370.15. Gen. Govt.
4. COMPUTER TECHNOLOGIES, INC. – Data Processing – Inv. 70766 dated 01/21/11 from A/C 101-258-932.000 (Repairs) \$8,055.00 and A/C 592-536-932.000 (Repairs) \$2,308.75. Data Processing
5. DISTRICT NO. 7 DAD'S CLUB – Youth Basketball Allotments – Inv. dated 02/03/11 from A/C 101-691-887.000 (Recreation) \$1,520.00. Recreation
6. EAST JORDAN – Fire Hydrants and Parts - Inv. 3330962 & 330963 dated 01/04/11 from A/C 592-110.002 (Parts) \$3,832.96. Water
7. GARDEN CITY OSTEO. HOSP. – Service from 12/22/10 – Inv. 839636 dated 01/31/11 from A/C 101-200-724.000. (Workers Comp) \$7,008.69. Gen. Govt.
8. GREAT LAKES ORTHOPAEDICS – Service from 12/22/10 – Inv. 839636, dated 01/31/11 from A/C 101-200-724.000 (Workers Comp) \$2,085.30. Gen. Govt.
9. JOHNSON CONTROLS – Maintenance Contract for City Buildings – Inv. 2712 & 8620 dated 02/01/11 from A/C 101-265-931.000 (Bldg. Repair) \$12,985.00. Bldg. Maint.
10. LEMMEN OIL – Diesel Fuel, Inv. 618687 dated 01/14/11 from A/C 592-110.005 (Fuel) \$28,237.64. Water
11. MCKENNA ASSOCIATES, INC. – Professional Services for NSP Grant – Inv.'s dated Sept – Dec 2010 from A/C 274-673-930-091 (NSP Grant) \$54,342.82. Misc. Grants
12. NAGEL CONSTRUCTION - Sewer Cleaning Program, Inv. 2909 dated 02/10/11 from A/C 592-540-818.030 (Contract Service) \$12,276.67. Water
13. NEW IMAGE BUILDING SERVICES, INC. – Cleaning Services - Inv. 67549 dated 02/01/11 from A/C 738-738-818.000 (Contract Service) \$2,214.00. Library
14. OAKWOOD HOSPITAL – Service from 12/12/10, Inv. 841554 dated 01/31/11 from A/C 101-200-724.000 (Workers Comp) \$5,273.66. Gen. Govt.
15. THE LIBRARY NETWORK – TLN Delivery Service 10/01/10 – 09/30/11, Inv. 42558 dated 01/26/11 from A/C 738-738-818.000 (Contr. Services) \$4,800.00. Gen. Library.

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16. WADE TRIM & ASSOC. – Professional Services, EECBG Grant - Inv. 101626 dated 01/25/11 from A/C 274-673-930-600 (EECBG Grant) \$4,696.13. Misc. Grants
17. WADE TRIM & ASSOC. – Professional Services, Inv.'s dated 01/25/11 from A/C 592-154.000 (Sewer) \$21,140.00. Water
18. WAYNE COUNTY – ACCOUNTS RECEIVABLE – Traffic Signal Maint Oct 2010 - Inv. 1005122 dated 02/07/11 from A/C 101-440-925.000 (Signals) \$5,081.84. DPW-Highway
19. WAYNE COUNTY DEPT OF ENVIRONMENT – Downriver Excess Flow - Feb 2011, Inv. 258970, dated 02/07/11 from A/C 592-537-929.000 (Sewage) \$20,237.00. Water
20. ALLEN BROTHERS – Professional Services - Inv. 38010 dated 01/26/11 from A/C 274-673-930-091 (NSP Grant) \$1,836.00. Misc. Grants
21. CUMMINGS, MCCLOREY, DAVIS & ACHO - Legal Services Dec. 2010, - Inv. dated 01/24/11 from A/C 101-200-817.000 (Prof/Consult) \$5,826.00. Gen. Govt.
22. CUMMINGS, MCCLOREY, DAVIS & ACHO – Legal Services Jan. 2011 - Various Inv.'s dated 02/14/11 from A/C 592-536-817.000 (Prof Services) \$2,582.00. Water

Motion unanimously adopted.

- 11-064** Motion by Councilman Apigian, seconded by Councilwoman Badalow, that the City Comptroller be authorized to advertise for bids, per specifications, for Legal Printing 2011-2013, per the request of Comptroller Barrow, communication dated February 16, 2011.

Motion unanimously adopted.

- 11-065** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the lowest bidder meeting specifications, Antler Construction of Canton, MI., be awarded the bid for the Energy Efficiency and Conservation Block Grant project for various improvements to several city buildings, in the amount of \$389,547.00, together with construction contingency fund of \$27,453.00 and Wade Trim Associates, Inc., 25251 Northline Road, PO Box 10, Taylor, MI 48180 construction engineering budget of \$20,000.00, and payment thereof, per Building Maintenance Superintendent Zimmer, communication dated February 15, 2011.

Motion unanimously adopted.

- 11-066** Motion by Councilman Apigian, seconded by Councilwoman Agius, that the City Council concurs with and approves the Collective Bargaining Agreement between the Dearborn Heights Supervisors Association and the City of Dearborn Heights, per Mayor Paletko, communication dated February 16, 2011. Further, that the Mayor and City Clerk be authorized to sign the agreement on behalf of the City.

Motion unanimously adopted.

- 11-067** Motion by Councilwoman Badalow, seconded by Councilman Berry, that the City Council concurs with and approves the appointment of Mr. Ron Krochmalny, 441 S Beech Daly to fill the vacancy previously occupied by Mr. Don Titus to the Tax Increment Finance Authority and the Brownfield Authority, terms to expire December 2014, per Mayor Paletko, communication dated February 15, 2011.

Motion unanimously adopted.

- 11-068** Motion by Councilwoman Agius, seconded by Councilman Apigian, that the communication dated February 15, 2011 re: Appointment of Ms. Jackie Ellenwood, 7259 Fenton to fill a vacancy on the City Beautiful Commission, term to expire September 2012, be received, contents noted and filed.

Motion unanimously adopted.

- 11-069** Motion by Councilwoman Agius, seconded by Councilman Berry, that the City Council concurs with and approves the appointment of Mr. James Roulo, 6819 Robindale, to the Board of Review to fill the vacancy previously occupied by Mr. Angelo Batsakis, term to expire July 2012, per Mayor Paletko, communication dated February 15, 2011.

Motion unanimously adopted.

- 11-070** Motion by Councilman Berry, seconded by Councilwoman Van Houten, that the City Council concurs with and approves Comptroller Barrow to contact the Michigan Municipal Risk Management Authority (MMRMA) to request \$600,000.00 from the City's retention fund per, Treasurer Riley, communication dated February 11, 2011.

Motion unanimously adopted.

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- 11-071** Motion by Councilwoman Badalow seconded by Councilwoman Van Houten, that the City Council concurs with and approves Corporation Council Miotke to research interfund loans and make a recommendation on his findings, per Treasurer Riley, communication dated February 11, 2011.

Motion unanimously adopted.

- 11-072** Motion by Councilwoman Agius, seconded by Councilwoman Horvath, that the City Council concurs with and approves an additional \$1,191.00 for the new police vehicles previously approved in CM10-428, total revised amount \$442,737.00, per Police Chief Gavin, communication dated February 10, 2011.

Motion unanimously adopted.

- 11-073** Motion by Councilwoman Van Houten, seconded by Councilwoman Horvath, that the City Council concurs with and approves the Lease/Purchase Financing Proposal with Ford Motor Credit Company, The American Road, PO Box 1739-MD7500, Dearborn, MI 48121-1739, for the purchase of 21 police vehicles at the new negotiated lower rate of 4.50%, per Treasurer Riley, communication dated February 16, 2011. Further, that Mayor Paletko be authorized to sign the contract on behalf of the City after Corporation Counsel Miotke has reviewed the documents.

Motion unanimously adopted.

- 11-074** Motion by Councilman Apigian, seconded by Councilwoman Horvath, that the City Council concurs with and approves the disposal of one (1) Ricoh Aficio 250 copy machine serial #A7428120042, one (1) Toshiba E Studio 250 copy machine serial #CT1318866 and one (1) GBC Shredmaster 1150X, per Police Chief Gavin, communication dated February 8, 2011.

Motion unanimously adopted.

- 11-075** Motion by Councilwoman Van Houten, seconded by Councilman Berry, that the City Council concurs with and approves the request to auction the following vehicles:

2002 Chevrolet Blazer, VIN #1GNCS18WX2K151626; 2002 Pontiac Grand Prix, VIN #1G2WP52K62F291030; 2002 Pontiac Grand AM, VIN #1G2NW52E42M697912; 2004 Cadillac Deville, VIN #1G6KD54Y94U124442 and 2003 Dodge Caravan, VIN #2D4GP54L83R142959, per Police Chief Gavin, communication dated February 15, 2011. These vehicles were awarded to City through State Narcotic Forfeiture actions and proceeds will be placed back into said account.

Motion unanimously adopted.

- 11-076** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the legal opinion re: Early Retirement Program and Elected Officials, be numbered #110 and contents be received, noted and filed, per Corporation Counsel Miotke, communication dated February 12, 2011.

Motion unanimously adopted.

- 11-077** Motion by Councilwoman Horvath, seconded by Councilman Berry, that proposed Ordinance H-11-03, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 33-53 IN ORDER TO IMPROVE IT (Noxious Weeds), be considered read for the second time and become effective upon publication in the City's newspaper of record.

Motion unanimously adopted.

- 11-078** Motion by Councilwoman Van Houten, seconded by Councilman Apigian, that proposed Ordinance H-11-04, Retirement Benefits be considered an emergency ordinance and that proposed Ordinance H-11-04, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTIONS 2-233 AND 2-234 REGARDING RETIREMENT BENEFITS, be read for the first and second time and become effective upon publication in the City's newspaper of record.

Motion unanimously adopted.

- 11-079** Motion by Councilwoman Badalow, seconded by Councilwoman Agius, that the Resolution Approving Brownfield Plan for Tim Horton (Former Mobil Oil Station)

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Redevelopment Project be adopted as follows:

WHEREAS, the City of Dearborn Heights has created the Brownfield Redevelopment Authority (the "Authority") pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of 1996, as amended (the "Act"); and

WHEREAS, the Authority has prepared and recommended for approval by the Dearborn Heights City Council a Brownfield Redevelopment Plan (the "Plan") for the project know as Tim Horton Redevelopment Project for the properties located at 7205 North Telegraph Road (the "Property") pursuant to and in accordance with Section 13 of the Act; and

WHEREAS, the Authority has, before the meeting of the Dearborn Heights City Council at which this resolution has been considered, provided notice to and fully informed all taxing jurisdictions which are affected by the proposed Plan (the "Taxing Jurisdictions"), and the Dearborn Heights City Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with the Sections 13(10) and 14(1) of the Act; and

WHEREAS, the Dearborn Heights City Council has made the following determinations and findings:

1. The Plan constitutes a public purpose under the Act.
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act.
3. The proposed method of financing the costs of the eligible activities by the Authority, as described in the Plan, using school and local tax increment is feasible and the Authority has the ability to arrange the financing.
4. The costs of eligible activities proposed in the Plan are reasonable and necessary.
5. The amount of captured taxable value estimated to result from adoption of the Plan is reasonable; and

WHEREAS, as a result of its review of the Plan and upon consideration of the views of the Taxing Jurisdictions, the Dearborn Heights City Council desires to proceed with approval of the Plan.

NOW, THEREFORE, IT IS RESOLVED by the Dearborn Heights City Council that:

1. **Plan Approved.** Pursuant to the authority vested in the Dearborn Heights City Council by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached as Exhibit "A" to this Resolution, including reimbursement of "eligible" costs using incremental local and State tax capture not to exceed \$140,415.
2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. **Repeals.** All resolutions or part of resolutions in conflict with any of the provisions of this Resolution are hereby repealed, per Brownfield Administrator Oliverio, communication dated February 16, 2011.

Motion unanimously adopted.

- 11-080** Motion by Councilwoman Horvath, seconded by Councilman Berry, that the communication dated February 16, 2011 re: Early Retirement Program and Elected Officials from VanOverbeke, Michaud & Timmony, PC, 79 Alfred Street, Detroit, MI 48201, be received, contents noted and filed.

Motion unanimously adopted.

- 11-081** Motion by Councilwoman Van Houten, seconded by Councilwoman Badalow, that the communication dated February 9, 2011 re: WideOpenWest Michigan, LLC, 32650 North Avis, Madison Heights, MI 48071 Annual Report, be received, contents noted and filed.

Motion unanimously adopted.

- 11-082** Motion by Councilwoman Badalow, seconded by Councilman Apigian, that the business license renewal for Traction Bar & Grill, 5990 N Telegraph, be approved.

Motion unanimously adopted.

- 11-083** Motion by Councilwoman Agius, seconded by Councilwoman Berry, that the City Council concurs with and approves the proposal from BS& A Software, 14965 Abbey Lane, Bath, MI 48808 for Internet Services Application of the Assessing System pay-per-hit internet services, per Mayor Paletko, communication dated February 17, 2011. Further, that the

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Mayor be authorized to sign this proposal on behalf of the City and that Computer Technologies, Inc., 500 Oliver Drive, Troy, MI 48084 install this application for a fee of \$100.00.

Ayes: Councilwoman Agius, Councilman Apigian, Council Chairman Baron, Councilman Berry, Councilwoman Horvath, Councilwoman Van Houten.

Nays: Councilwoman Badalow.

Absent: None.

Motion adopted.

11-084 Motion by Councilwoman Horvath, seconded by Councilwoman Agius, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 9:01 PM

**S. JUDITH DUDZINSKI
CITY CLERK**

**KENNETH R. BARON
COUNCIL CHAIRMAN**

**MARIA E. LAWRENCE
COUNCIL SECRETARY**